IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

CRP.No. 1018 of 1999(G)

AGAINST THE ORDER DATED 19/11/1998 IN EP 787/96 IN OS.1405/1984 of PRL.M.C.,TRIVANDRUM

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REVN. PETITIONER:

PARAMESWARAN SREEDHARA PANIKER, RESIDING AT THOPPIL VEEDU, BALARAMAPUAM, VENGANOOR DESOM, PALLICHAL VILLAGE.

BY ADV. SRI.M.R.ANANDAKUTTAN
SRI.R.T.PRADEEP

RESPONDENTS:

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1. BALARAMAPURAM PANCHAYAT, REPRESENTED BY THE SECRETARY.

2. GOVINDANKUTTY SOMASEKHARA PANICKER, SANTHI BHAVAN, THIPPIL, BALARAMAPURAM,PALLICHAL VILLAGE.

3. NARAYANAN NADAR VIJAYAN, RESIDING AT THACHANVILAKATHU VEEDU, BALARAMAPURAM OF DO.

4. B.VIJAYAKUMAR, KEEZHEMEVARATHALA VEEDU, BALARAMAPURAM OF DO.

5. B. SUGATHAN OF DO.

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.PIRAPPANCODE V.S.SUDHIR FOR R1 & R2

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Antony Dominic, J.

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C.R.P.No.1018 of 1999

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Dated this the 31st day of January, 2007.

ORDER

This revision petition is filed against the order of the Principal Munsiff, Thiruvananthapuram in E.P.No.787 of 1996 in O.S.No.1405 of 1984 rejecting the the prayer under Order 21 Rule 32 of Code of Civil Procedure. It is asserted by the counsel for the petitioner that it was not only the prosecution of the respondents that the petitioner had sought for but also enforcement of the decrees as well. However, on a reading of the order impugned, I am inclined to think that the submission is not correct, because the court has specifically mentioned that the decree holder has not made a prayer for restoration of the earlier position or to get back the property said to have been annexed by the judgment debtors. If that be the factual position and I have no reason to conclude otherwise, I cannot find any fault with the court below and nothing survives in the execution petition.

2. Be that as it may, since the counsel for the petitioner had asserted that the decree holder had also sought for the execution of the decree, I am inclined to direct the court below to examine the

correctness of this assertion and if it is found that the petitioner had asked for the enforcement of the decree as well, the execution petitions will be revived and continued. Needless to say that the judgment debtors will be given an opportunity to file their objections and thereafter, the Execution Petition will be proceeded with.

Civil Revision Petition is disposed of as above.

Antony Dominic
Judge.

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